



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/10/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15519 of 2021

S.Saravanan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Tiruchendur Temple Police Station,
Tuticorin District.
(Crime No.116 of 2021).

... Respondent/Complainant

For Petitioner : M/s.M.ANBARASI
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.116 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 353 and 506(ii) of IPC in Crime No.116 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 20.09.2021, one Ramasamy, who is a Head Constable, brought a V.I.P to Mulavar Murugan Temple, Tiruchendur, without entry pass of V.I.P and when the same was questioned by the petitioner, a dispute arose between the petitioner and the defacto complainant and the petitioner abused the defacto complainant in filthy language. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the earlier application filed by this petitioner was dismissed on 28.09.2021 in Crl.O.P. (MD).No.14309 of 2021 on the ground that the petitioner is having three previous cases. But actually two cases are only pending against the petitioner and one case ended in acquittal. However, to



show his bonafide, the petitioner is ready to file an undertaking affidavit that he will not indulge any offence in future.

4. Heard the learned Government Advocate (Criminal Side) appearing for the respondent Police.

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5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and his willingness to file an undertaking affidavit that he would not indulge in such offence, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruchendur on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation;

[c] The petitioner is directed to file an undertaking affidavit stating that he will not indulge this kind of offence in future before the trial Court as well as before the respondent police.

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/10/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE
TIRUCHENDUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
TIRUCHENDUR TEMPLE POLICE STATION,
TUTICORIN DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.15519 of 2021
Date :08/10/2021

SA/SKN/SAR.1/21.10.2021/3P/5C